



IFW

PATENT
Customer No. 22,852
Attorney Docket No. 09286-0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
LAURENT OLIVIER) Group Art Unit: 1724
Application No.: 10/673,634) Examiner: Fred G. Prince
Filed: September 30, 2003)
For: AUTOTROPHIC SULFUR)
DENITRATION CHAMBER AND)
CALCIUM REACTOR)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action Mailed on December 1, 2004, the Examiner has required
restriction between the following groups of claims:

- I. Claims 30-55 and 150-172, drawn to a process, classified in class 210,
subclass 630.
- II. Claims 56-67, 69-79, and 81-87, drawn to a system, classified in class 119,
subclass 200+.
- III. Claim 68, drawn to a degasser, classified in class 96, subclass 263+.
- IV. Claim 80, drawn to a carbon chamber, classified in class 210, subclass 263+.
- V. Claims 88-94 drawn to an oxytower, classified in class 210, subclass 150+.

- VI. Claims 95-105, 178, and 179, drawn to a protein skimmer, classified in class 210, subclass 905.
- VII. Claims 106-119, drawn to a mixing eductor, classified in class 261, subclass 75+.
- VIII. Claims 120-130, drawn to a desulfator, classified in class 435, subclass 174+.
- IX. Claims 131-135, drawn to a bacteria chamber, classified in class 210, subclass 150+.
- X. Claims 136-140, drawn to a denitrification chamber, classified in class 210, subclass 263.
- XI. Claims 141-145 and 173-177, drawn to a calcium chamber, classified in class 422, subclass 255+.
- XII. Claims 146-149, drawn to a biofilter, classified in class 435, subclass 174+.

To be responsive to the requirement, Applicant elects, with traverse, Group I, which includes claims 30-55 and 150-172 drawn to a process, classified in class 210, subclass 630.

Applicant traverses the election among the twelve groups, at least because the Examiner has not applied the criteria and guidelines set forth in M.P.E.P. § 803 for making proper requirements for restriction under 35 U.S.C. § 121. The M.P.E.P. instructs Examiners as follows:

If the search and examination of an entire application can be made without serious burden, the Office must examine it on

the merits, even though it includes claims to distinct or
independent inventions.

M.P.E.P. § 803 (emphasis added).

Here, the Examiner has not shown that examining the above groups together would constitute a serious burden. In fact, the Examiner stated that half of the Groups are classified in the same class, i.e., class 210, some of which are classified in the same subclass, i.e. subclass 263+. See Office Action at p. 2 - 3. Applicant therefore submit that searches for each of these groups of claims should substantially overlap and thus do not represent a serious burden to the Examiner.

Applicant further submits that at the very least, the inventions of groups I, II, and X should be examined in this application, even if the Examiner continues to restrict the other groups, as each of these groups are centered upon the denitrification aspect of the invention.

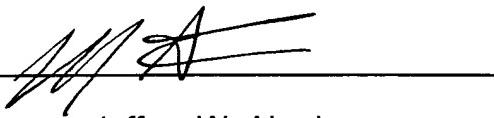
Please grant any extensions of time required to enter this response and charge any required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 3, 2005

By:



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